IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

FRIDAY, THE 17TH AUGUST 2007 / \6TH SRAVANA 1929

WP(Crl.).No. 192 of 2007(S)

PETITIONER:

THARA, W/O K.J.JAYIN,
AGED 27 YEARS, NOW RESIDING AT
NIRAVATHU HOUSE, VAZHAKULAM P.O.,
MOOVATTUPUZHA, ERNAKULAM DISTRICT.

BY ADV. SRI.GEORGE MATHEW

RESPONDENTS:
---

1. SUPERINTENDENT OF POLICE,
THIRUVANANTHAPURAM, ATTINGAL.

2. CIRCLE INSPECTOR OF POLICE,
CHIRAYINKEEZHU POLICE STATION,
CHIRAYINKEEZHU.

3. SUB INSPECTOR OF POLICE,
CHIRAYINKEEZHU POLICE STATION,
CHIRAYINKEEZHU.

4. K.J.JAYIN, S/O JOY, AGED 33 YEARS,
DEVIDHARSANA HOUSE(SARASWATHI MANDHIRAM),
PANDAKASSALA, CHIRAYINKEEZHU P.O.,
THIRUVANANTHAPURAM.

5. S.JOY, S/O SHEKARAN, AGED 58 YEARS,
DEVIDHARSANA HOUSE(SARASWATHI MANDHIRAM),
PANDAKASSALA, CHIRAYINKEEZHU P.O,
THIRUVANANTHAPURAM.

6. CHANDRIKA, AGED 57 YEARS, W/O S.JOY,
DEVIDHARSANA HOUSE(SARASWATHI MANDHIRAM),
PANDAKASSALA, CHIRAYINKEEZHU P.O,
THIRUVANANTHAPURAM.

BY ADV. SRI.R.MAYA KRISHNAN
BY PUBLIC PROSECUTOR SRI. C.M. KAMMAPPU

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

W.P.(CRL.)192/07S

PETITIONER'S EXHIBTS

EXT.P1: TRUE COPY OF THE EXTRACT FROM REGISTER OF BIRTH
EXT.P2: TRUE COPY OF THE PLAINT IN O.S.268/07
EXT.P3: TRUE COPY OF THE NOTICE DATED 01.08.07

/ TRUE COPY /

P.S. TO JUDGE.

P.R.RAMAN & K.HEMA, JJ.

W.P.(Crl).NO.192 OF 2007

Dated this the 14th day of August, 2007

O R D E R

Raman,J.

Respondents 5 and 6 along with the child present. As a matter of fact, they did not raise any objection in handing over the child to the petitioner. However, they apprehended that unless the petitioner is prepared to take the child along with her to Glasgow, U.K., then the question as to who should be in the custody has to be decided. It is also submitted that the 4th respondent already returned from abroad and has no intention to go back and therefore he will take care of the child, in case the petitioner is not taking the child along with her. In the facts and circumstances, since the petitioner is supposed to be in India till 31/8/2007, we direct that the child shall be put in the custody of the petitioner, the mother. A copy of the passport of the father as well as the marriage certificate be made available on 16/8/2007, since those documents are required for the petitioner for arranging necessary visa for the child. However, the parties need not appear on that day.

Post on 16/8/2007.

P.R.RAMAN,
Judge.

K.HEMA,
Judge.

kcv.